

120-167/ans aff def 3

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Attorney for Additional Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEBBIE FISHER

Plaintiff

v.

No. 02-cv-3460

PEDRO ORTIZ, SHAN-LOR
TRUCKING EQUIPMENT

Defendants/Third Party Plaintiffs

v.

PAUL LEONARDSON

Third Party Defendant

**THIRD PARTY DEFENDANT, PAUL LENARDSON'S ANSWER TO THIRD
PARTY COMPLAINT OF PEDRO ORTIZ AND SHAN-LOR TRUCKING, AND
AFFIRMATIVE DEFENSES**

Third party defendant, Paul Lenardson, by and through counsel, hereby files Answer and Affirmative Defenses to Third Party Complaint filed by Pedro Ortiz and Shan-Lor Trucking, and in so doing states:

1. Admitted that the action was commenced. The allegations therein are denied.

2. Admitted.
3. Admitted that the Complaint contains the allegations. The allegations are denied.
4. Admitted.
5. Admitted.
6. Denied. Paul Lenardson denies negligence, carelessness and recklessness. Paul Lenardson denies the collision was caused by his actions.

COUNT I

7. No response is required.
8. Denied. Paul Lenardson denies negligence, carelessness and recklessness. On the contrary, the motor vehicle collision was caused by the negligence and carelessness of Pedro Ortiz. Paul Lenardson was not involved in the collision.
9. Denied. Paul Lenardson was not the cause of the collision. Paul Lenardson denies he:
 - a. failed to have a motor vehicle under proper and reasonable control;
 - b. operated his vehicle at an excessive rate of speed;
 - c. operated his motor vehicle without due regard to the rights and presence of Ortiz;
 - d. failed to stop his motor vehicle;
 - e. failed to operate in a safe and proper manner;
 - f. improperly changed lanes;
 - g. was inattentive;
 - h. failed to comply with laws and regulations;
 - i. was otherwise negligent.
10. Denied. Paul Lenardson denies negligence. Paul Lenardson denies liability, whether sole, joint, or liability over to third party plaintiffs for indemnity and contribution.

WHEREFORE, Paul Lenardson demands judgment in his favor.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Paul Lenardson was not involved in the collision.

SECOND AFFIRMATIVE DEFENSE

The third party Complaint is without foundation and merit.

THIRD AFFIRMATIVE DEFENSE

Paul Lenardson operated his vehicle properly and safely at all times.

FOURTH AFFIRMATIVE DEFENSE

The motor vehicle collision was caused by the negligence of others over whom Paul Lenardson had no control.

FIFTH AFFIRMATIVE DEFENSE

The motor vehicle collision was caused solely by the negligence of Pedro Ortiz.

SIXTH AFFIRMATIVE DEFENSE

Paul Lenardson breached no duties owed to others.

SEVENTH AFFIRMATIVE DEFENSE

Paul Lenardson invokes the sudden emergency doctrine.

EIGHTH AFFIRMATIVE DEFENSE

Paul Lenardson invokes the Pennsylvania Comparative Negligence Act.

NINTH AFFIRMATIVE DEFENSE

Paul Lenardson invokes the Pennsylvania Contribution Among Joint Tortfeasors Act.

TENTH AFFIRMATIVE DEFENSE

Paul Lenardson invokes the Pennsylvania Financial Responsibility Law and any defenses which arise thereunder.

WHEREFORE, Paul Lenardson demands judgment in his favor against all other parties, together with costs.

PLAKINS RIEFFEL & RAY, P.C.

Date: _____

BY: _____

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